AN ORDINANCE BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE DIRECTOR OF THE BUREAU OF CODE COMPLIANCE TO IMPLEMENT THE RESPECTIVE ORDERS OF THE IN REM REVIEW BOARD FOR PROPERTY LOCATED AT 396 ANGIER AVENUE, N.E., 1149 REGIS ROAD, S.E., ROCKY FORD ROAD, N.E., 139 LAUREL AVENUE, S.W. AND 801 HALL STREET, N.W.; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Article III of the Atlanta Housing Code, entitled "In Rem Procedures", and after due notice to any and all owners, parties in interest and persons in possession, hearings were held before the In Rem Review Board on the dates listed below regarding certain structures at the addresses below, which the Director of the Bureau of Code Compliance alleged to be unfit for occupancy or habitation in violation of Article III; and

WHEREAS, at the conclusion of the hearings, the In Rem Review Board determined that, in the case of an Order to Clean & Close, the structure(s) are unfit for occupancy or habitation, and can be improved, repaired or altered at a cost less than 50% or less of the value of the structure(s) after the improvements are made; or that in the case of an Order to Demolish, the structure(s) cannot be repaired, improved or altered at a cost less than 50% of the value of the structures; and

WHEREAS, the In Rem Review Board stated these findings of fact in writing, and served the respective Order upon all owners, parties in interest and persons in possession, directing the owners, parties in interest and persons in possession to comply with the In Rem Review Board's Order within 30 days; and

WHEREAS, the owners, parties in interest and persons in possession failed to comply with the Order of the In Rem Board within the specified time; and

WHEREAS, upon such failure, the In Rem Procedures authorizes the Director of the Bureau of Code Compliance to implement the Order of the In Rem Review Board upon an ordinance to that effect passed by City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Director of the Bureau of Code Compliance is hereby authorized to implement the respective Orders of the In Rem Review Board, in accordance with the In Rem Procedures of Article III of the Atlanta Housing Code of 1987 for the structure(s) at the following properties, said properties being more fully described in the attached legal descriptions, and incorporated herein by reference:

Address	Exhibit	Units	Hearing Date	Order
396 Angier Avenue, N.E.	A	1	04/24/2008	Demolition
1149 Regis Road, S.E.	В	1	04/24/2008	Demolition
98 Rocky Ford Rd., N.E.	C	1	2/28/2008	Clean & Close
139 Laurel Avenue, SW	D	1	2/28/2008	Clean & Close
801 Hall Street, NW	E	1	2/28/2008	Demolition

SECTION 2: That in accordance with the respective Orders, the Director of the Bureau of Code Compliance is authorized to:

- (1) Vacate the structure (if occupied);
- (2) In the case of an Order to Clean & Close, clean the premises and board the structure(s) in conformity with the In Rem Board's Order;
- (3) In the case of an Order of Demolition, demolish the structure(s) and plant ground cover on the property; and
- (4) Maintain the property in conformity with the In Rem Board's Order until the structure(s) are repaired or demolished; and
- (5) File a lien against the real property on which the structure(s) are attached in an amount necessary to recover the costs incurred by the City of Atlanta.

SECTION 3: That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

Deed Book 46433 Pg 420
Filed and Recorded Mar-07-2008 08:04as
2008-0055271
Real Estate Transfer Tax \$0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

QUIT CLAIM DEED

QUI CLARIVI DEED
STATE OF GEORGIA
COUNTY OF Fullen
This Indenture, made this <u>25 12</u> day of <u>Feb</u> in the year Two Thousand and Eight, between MICHAEL EICHNER
of the County of Fulton and the State of Georgia, as party of the first part, hereinafter called Grantor, and
HUNTINGTON HOMES, LLC
of the County Lulton and the State of Georgia, as party or parties of the second part, hereinafter collectively called Grantee (the words "Grantee" to include their

WITNESSETH THAT: Grantor, for and in consideration of the sum of ten dollars (\$10.00), the receipt of which is hereby acknowledged, and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, by these presents does hereby remise, convey and forever QUITCLAIM unto the said

respective heirs, successors and assigns where the context requires or permits).

GRANTEE, the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA, IN LAND LOT 47 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, SAID LOT BEING A PORTION OF LOT 11 OF THE NATHANIEL E. GARDNER SUBDIVISION, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH SIDE OF ANGIER AVENUE AT A POINT NINETY SIX (96) FEET EAST OF THE INTERSECTION OF THE NORTH LINE OF ANGIER AVENUE WITH THE SOUTHEAST LINEN OF FULTON DRIVE (FORMERLY SUMMIT AVENUE); THENCE EAST ALONG THE NORTH SIDE OF ANGIER AVENUE FORTY AND ONE TENTH (40.1) FEET THENCE NORTHERLY ONE HUNDRED SEVEN (107) FEET, MORE OR LESS, TO PROPERTY NOW OR FORMERLY OWNED BY ANNIE CLARK TRIBBLE; THENCE WESTERLY THIRTY THREE AND ONE THIRD (33 1/3) FEET ALONG SAID PROPERTY; THENCE SOUTHWESTERLY THIRTEEN (13) FEET TO AN EIGHT (8) FOOT ALLEY; THENCE SOUTHERLY ALONG THE EASTERN SIDE OF SAID ALLEY ONE HUNDRED TWO (102) FEET TO ANGIER AVENUE, AT THE POINT OF BEGINNING, BEING IMPROVED PROPERTY KNOWN AS NO. 396 ANGIER AVENUE, N.E., ACCORDING TO THE PRESENT NUMBERING OF HOUSES IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have any claim or demand or any right or title to said premises or appurtenances or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and

year first above written.

MICHAEL EICHNER

Signed, sealed and delivered in the presence of:

Deed Book 46433 Pg 421 Cathelene Robinson Clerk of Superior Court Fulton County, Georgia

Witness

Skirley Land

A Service Of Service O

Deed Book 39672 Pg 59
Filed and Recorded Mar-25-2005 10:15am
2005-0124620
Real Estate Transfer Tax \$115.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

Return Recorded Document to: COBB & HYRE 6085 LAKE FORREST DRIVE SUITE 200 ATLANTA, GA 30328

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

File #: 05-7130

This Indenture made this 18th day of March, 2005 between K. BEKERSKY, AS TRUSTEE OF CATHY LEIGH FAMILY TRUST, of the County of FULTON, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and TAYARI PARKER, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100°S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 6, OF THE 14TH DISTRICT, OF FULTON COUNTY, GEORGIA AND BEING LOT 6, BLOCK A, OF VALLEY VIEW SUBDIVISION, UNIT ONE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 52, PAGE 16, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF; BEGIN IMPROVED PROPERTY KNOWN AS 1149 REGIS ROAD, S.E., ATLANTA, GEORGIA.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREDF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and selfvered in the pesonic of:

GEORGIA

0//0

Viness

Votary Public

K. BEKERSKY, AS TRUSTEE OF CATHY LEIGH FAMIL TRUST

_(Seal)

return to: R.D. JONES, P.C. 155 Eagles Walk, Suite B Stockbridge, Georgia 30281

WHEN RECORDED MAIL TO:

ì

FILEDARECORDED:

CROSSLAND MORTGAGE CORP. 1155 HAMMOND DR Suite E-5230 ATLANTA, GA 30328

Ja 3 8 30 AN 95

ULERA OF SUPERIOR COURT DEKALD COURTY, GA.

(Sunce Above This Line For Recording Date)

SECURITY DEED

Case ID: 4286720

THIS SECURITY DEED ("Security Instrument") is given on April 28, 1995 ("Borrower"). This Security Instrument is given to CROSSLAND MORTGAGE CORP. which is organized and existing under the laws of "The State of Utah" address is 1155 HAMMOND DR Suite E-5230 ATLANTA, GA 30328 , and whose ("Lender"). Borrower owes Lender the principal sum of Forty Sight Thousand and no/100-----

500×8604×4513

JEOTRIA
3EONGIA-Single Family-FIMA/FHILMC UNFORM
WASTRUMENT Form 3011 9/80
The «BRIGA) (721210)
Amendus 5/87 YMP MORTGAGE FORMS - (500)521-7221

SPIGA) (92121.01

Deed Book 46666 Pg 435
Filed and Recorded Apr-28-2008 06:29am
2008-0100115
Real Estate Transfer Tax 10.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

When Recorded, Return to: Mr. Anthony DeMario/nspaulding 04/01/2008 McCurdy & Candler, L.L.C. P.O. Box 57 Decatur, GA 30031

FORECLOSURE DEED

Aurora Loan Services Loan No. 0039182936 File No. 08-04652 / Raymond Burr Davis

Georgia, Fulton COUNTY:

THIS INDENTURE made and entered into April 1, 2008, by and between Raymond Burr Davis, acting by and through his duly appointed agent and attorney-in-fact, Mortgage Electronic Registration Systems, Inc., Party of the First Part, and Aurora Loan Services, LLC as Party of the Second Part,

WITNESSETH: That, whereas, heretofore on October 4, 2006, Raymond Burr Davis executed a certain Deed to Secure Debt to Mortgage Electronic Registration Systems, Inc., which is recorded in Deed Book 43655, Page 673, Fulton County, Georgia records, and which conveys the property hereinafter described to secure an indebtedness described therein, and

WHEREAS, said indebtedness was not paid in accordance with the terms of said Note and Deed to Secure Debt and became in default and under the terms thereof the entire principal and interest was declared due and payable, and

WHEREAS, the said Mortgage Electronic Registration Systems, Inc., as aforesaid, according to the terms of said Deed to Secure Debt did expose said property for sale to the highest and best bidder for cash on the first Tuesday in April, 2008, within the legal hours of sale before the Courthouse door in Fulton County, Georgia, after first advertising said sale by a notice published in Fulton County Daily Report once a week for four weeks immediately preceding said sale and complying with the terms of said Deed to Secure Debt and said advertising, and

WHEREAS, the property hereinafter described was knocked off to the Party of the Second Part, Aurora Loan Services, LLC, being the highest and best bidder for cash, at and for the sum of One Hundred Thirty-Nine Thousand Seven Hundred and 00/100 Dollars (\$139,700.00).

NOW, THEREFORE, in consideration of the premises and the said sum of One Hundred Thirty-Nine Thousand Seven Hundred and 00/100 Dollars (\$139,700.00), cash in hand paid, the receipt of which is hereby acknowledged, the said Raymond Burr Davis acting by and through his duly appointed agent and attorney-in-fact, Mortgage Electronic Registration Systems, Inc., as aforesaid, does hereby sell, transfer and convey unto Aurora Loan Services, LLC its successors and assigns, the following described property, to-wit:

FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Notice of the foreclosure sale as required by Georgia Law in the form of a copy of the Notice of Sale submitted to the publisher was provided to the debtor at least fifteen (15) days prior to the foreclosure sale on April 1, 2008.

Said property is conveyed subject to any outstanding taxes or assessments which may be liens against said property, any matters disclosed by survey and inspection, any liens, encumbrances, restrictions, covenants, zoning ordinances and any matters of record superior to the foreclosed Security Deed.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of it, the said party of the Second Part, its successors and assigns, forever, in FEE SIMPLE.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his/her hand and affixed his/her seal, the day and year first above written.

Davis Raymond Burr

BY: Mortgage Electronic Registration Systems, Inc.

BY:

BY:

As Attorney-in-Fact

Signed, Sealed and Delivered

in the presence of:

Notary Public

NOTARY PUBLIC SEAL STATE OF INDIANA

My Commission Expires Oct. 14, 2015

Deed Book 46666 Pg 437 Cathelene Robinson Clerk of Superior Court Fulton County, Georgia

File No. 08-04652/Davis Raymond Burr

Exhibit "A"

All that tract or parcel of land lying and being in land Lot 148 of the 14th District of Fulton County, Georgia, being Lot 46 of Empire State Investment Company, as per Plat made by James C. Conn, C.E., recorded in Plat Book 2, Page 190, Fulton County Records; and being more particularly described as follows:

Beginning at a point on the West side of laurel Avenue (formerly Joe Johnson Avenue) 245 Feet North of School Place, and running thence North along the West side of laurel Avenue 49 Feet; thence West 130.46 Feet; thence South 49 Feet; thence East 130.49 Feet to Laurel Avenue and the Point of Beginning; being improved property known as 139 Laurel Avenue, S.W., according to the Present System of Numbering Houses in the City of Atlanta.

Deed Book 30168 Pg
Filed and Recorded Apr-02-2001 01:30pm
2001-0074761
Real Estate Transfer Tax \$0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

STATE OF GEORGIA DEKALB COUNTY RETURN THIS INSTRUMENT TO: David Markowitz, P.C., Attorney At Law 1800 Century Bivd/Suite 950 Atlanta, Georgia 30345

EXECUTRIX'S DEED

THIS INDENTURE, made this date, March 26, 2001, between LETTIE BLACK, as Executrix of the Last Will and Testament of MATTIE MAE PERRY, late of the County of Bibb in the State of Georgia, deceased, as party or parties of the first part, hereinafter called Grantor, and Rodrick O. Allen, of the County of Fulton in the State of Georgia as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits):

WITNESSETH: That said will has been probated in solemn form in said County at the Probate Court thereof; that under the terms of said will the following described property was devised to Lettie Black; that the undersigned, duly qualified as Executrix of said will, is now administering said Estate under the terms of the will; that it has been determined that all debts and claims against the estate have been fully paid; and that the said Grantor, as Executrix, (acting under and by virtue of the power and authority contained in said will, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby assent to so devise the within described property under the terms of said will and so hereby grants, bargains, sells, aliens, conveys and confirms, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described real property:

All that lot, tract or parcel of land lying and being in Land Lot 208 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the East side of Hall Street 182.3 feet North of the Northeast corner of Hall Street and Bankhead Highway; running thence North along the East side of Hall Street 44 feet to a point; running thence East 125 feet to the East line of Land Lot 208; running thence South along the land lot line 40 feet to a point; thence running west 125 feet to the east side of Hall Street, and the point of beginning; being improved property known as 801 Hall Street, N.W., Atlanta, Georgia; and being the same property as shown on individual survey prepared by A. S. Giometti & Associates, Inc., dated May 20, 1965.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restriction of record affecting said described property.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, in FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by said deceased.

AND THE SAID parties of the first part, for themselves, their heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, its successors and assigns, against the claims of all persons whomsoever.

in witness whereof	, each Grantor herein has here	eunto set hand and seal, the day and year a	bove written.
Signed, sealed and delivered in the p	resence of:		
y /	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT	. Letter Black	(Seal)
WITNESS	S. (200)	Lettie Black, As Executrix Aforesaid	(3641)
Swan D.	Sella *		(Seal)
NOTARY PUBLIC	X 2072 8 8	*************************************	(OOas)
My commission expires:			1.
•	ANY FUEL TRANSPORT	•	•

<u>Part II: Legislative White Paper:</u> (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF THE BUREAU OF CODE COMPLIANCE TO IMPLEMENT THE RESPECTIVE ORDERS OF THE IN REM REVIEW BOARD FOR PROPERTY LOCATED AT 396 ANGIER AVENUE, N.E., 1149 REGIS ROAD, S.E., ROCKY FORD ROAD, N.E., 139 LAUREL AVENUE, S.W. AND 801 HALL STREET, N.W.; AND FOR OTHER PURPOSES.

Council Meeting Date: July 7, 2008

Requesting Dept.: Planning & Community Development

FAC Confirmed by: N/A

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement). To direct the Department of Planning and Community Development to demolish or clean and close various structures, pursuant to Article III of the Atlanta Housing Code of 1987.

2. Please provide background information regarding this legislation.

This is a public hearing under the Atlanta Housing Code of 1980, Article III, Section 32 held before the In Rem Review Board 2nd Floor City hall, Committee Room 2 at 9:00am on February 28, 2008 The following properties were presented before the In Rem Review Board and the following orders were rendered:

	Address	Units	Hearing Date	Order
396	Angier avenue, N.E.	1	04/24/2008	Demolition
1149	Regis Road, S.E.	1	04/24/2008	Demolition
98	Rocky Ford Rd., N.E.	1	2/28/2008	Clean & Close
	Address	Units	Hearing Date	Order

801	Hall Street, NW	1	2/28/2008	Demolition
139	Laurel Avenue, SW	1	2/28/2008	Clean & Close

3. If Applicable/Known	3.	If Ap	plicable/	Known:
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3. <u>If A</u>	pplicable/Known:			
(a) Service	Contract Type (e.g. Professional Services, Construction Agreement, etc): Professional es			
(b)	Source Selection:			
(c)	Bids/Proposals Due:			
(d)	Invitations Issued:			
(e)	Number of Bids:			
(f)	Proposals Received:			
(g)	Bidders/Proponents:			
(h)	Term of Contract:			
4. Fund Account Center (Ex. Name and number):				
Fund:	Center:			
5. Source of Funds: <i>Example: Local Assistance Grant</i> G eneral Fund Monies: Consultant /Professional Fees; CDBG Funds				
6. Fiscal Impact:				
7. Method of Cost Recovery: Liens placed against property(s) with the Fulton County Clerk of Superior Court once work is completed by a city-wide contractor.				
This Legislative Request Form Was Prepared By: Debra Conner & Tim Hardy				

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON
Dept.'s Legislative Liaison:Garnett Brown	1
Contact Number:404-330-6724	
Originating Department: _Department of Plannin	ng/ Bureau of Housing
Committee(s) of Purview:Community Develop	oment/ Human Resources
Chief of Staff Deadline:June 18, 2008	
Anticipated Committee Meeting Date(s):July 1	, 2008
Anticipated Full Council Date:July 7,2008	
	Dun
Commissioner Signature	V
Chief Procurement Officer Signature:	
CAPTION AN ORDINANCE AUTHORIZING THE DIRI CODE COMPLIANCE TO IMPLEMENT THE I IN REM REVIEW BOARD FOR PROPERTY AVENUE, N.E., 1149 REGIS ROAD, S.E., RO LAUREL AVENUE, S.W. AND 801 HALL STR PURPOSES.	RESPECTIVE ORDERS OF THE Y LOCATED AT 396 ANGIER OCKY FORD ROAD, N.E., 139
FINANCIAL IMPACT (if any): \$	
Mayor's Staff Only	
	by LC from CPO:
Received by Mayor's Office: 6 18 08	(date) Reviewed by:
Submitted to Council: (date) (date)	(date)
(auto)	